

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

From: Ken Suddreth, Community Development Director
Joey Staubes, AICP, Planner II

Date: June 22, 2018

RE: VARIANCE CASE V18-048
2660 Estelle Ct – Allow second accessory structure
VARIANCE CASE V18-049
2660 Estelle Ct – Allow increase in accessory structure size from 25% to 44% of primary structure.
VARIANCE CASE V18-050
2660 Estelle Ct – Allow reduction of side setback from 10 feet to 6 feet for the accessory structure.

BACKGROUND

The applicant is requesting three variances for a detached accessory structure at 2660 Estelle Court. The applicant proposes to demolish an existing non-conforming garage, and build a new detached carport. The property is occupied by an existing small storage building. Thus the applicant requires a variance to allow a second accessory structure, to allow an increase in accessory structure size, and to allow a side setback reduction to 6 feet. Section 501 controls the maximum allowable size and height of accessory structures. Section 801 controls residential setbacks.

ANALYSIS

The subject parcel is located on the west side of Estelle Court (see Figure 1). The subject parcel is zoned R-15, and is occupied by a single-family residence. The adjacent properties to the north, south, east, and west are zoned R-15 and are developed with detached single family homes and a church.

The applicant is proposing to build a 22 ft. by 22 ft. detached carport in the rear yard to replace an existing non-conforming detached garage. The applicant states that the condition of the existing garage prevents it from being remodeled. The total size of the new carport is 484 sq. ft. The existing home is about 1,100 sq. ft., which makes the accessory structure 44% of the primary structure. The minimum house size in R-15 is 2,000 sq. ft., and would allow a 500 sq. ft. accessory structure. Thus, the proposed carport is below what would typically be allowed for accessory structure size in R-15. The applicant would like to retain the existing storage building, as the carport will only be used to park vehicles and not for storage of equipment. Therefore, a variance is needed to allow a second accessory structure.

VARIANCE CASE V18-048-050

June 27, 2018

Page 2 of 6

The applicant proposes to build the new carport at the end of the driveway in the rear yard. The driveway is setback approximately 6 feet from the side property line. The side setback for the property is 10 feet, thus a variance is needed to reduce the setback to 6 feet. The carport will not be visible from the street, due to its distance behind the house and change in grade.

The applicant is requesting variances in order to demolish an existing non-conforming detached garage to build a new detached carport. Community Development believes the variances requested are the minimum variances needed to build the carport. The hardship is not self-created as the condition of the existing garage prevents it from being remodeled. Community Development has not received any calls in opposition to the request, and approval should not adversely impact adjacent properties.

STAFF COMMENTS

The applicant is requesting to deviate from the City's maximum size for an accessory structure, and to allow a second accessory structure which is established in Section 501.11. A side setback reduction to 6 feet is also required, as established in Section 801 of the Zoning Ordinance. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether there are unique and special or extraordinary circumstances applying to the property; (2) Whether any alleged hardship is self-created by any person having an interest in the property; (3) Whether strict application of the relevant provisions of the code would deprive the applicant of reasonable use of the property; and (4) Whether the variance proposed is the minimum variance needed. Community Development has reviewed the requests against the variance review standards and found them to be in compliance with the review standards. Similar variances for accessory structure height and area increases have been granted, and Community Development believes that the requested variances will not adversely affect surrounding residents. At the time of this report, Community Development has not received any phone calls in opposition to the variance requests, and two neighbors have submitted letters in support. Therefore, Community Development recommends **approval** of the requested variances with the following conditions:

1. Approval of the subject property for the requested variance shall be conditioned upon substantial compliance with the site plan submitted.
2. Gutters and downspouts shall be installed to divert stormwater away from adjacent properties.

VARIANCE CASE V18-048-050
June 27, 2018
Page 3 of 6

Figure – 1



Figure – 2 Subject Property



**Figure – 3
Existing Storage Shed**



**Figure – 4
Adjacent Property**



VARIANCE CASE V18-048-050
June 27, 2018
Page 5 of 6

Figure – 5
Adjacent Property



Figure – 6 Site Plan

